

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 63112	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/051438	International filing date (day/month/year) 09.07.2004	Priority date (day/month/year) 25.07.2003
International Patent Classification (IPC) or national classification and IPC F41G1/32, G02B23/12, G02B27/14		
Applicant THALES		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
- a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/051438

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-8 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-7 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/6-6/6 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/051438

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-7</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>7</u>	YES
	Claims	<u>1-6</u>	NO
Industrial applicability (IA)	Claims	<u>1-7</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: USH1891H H
D2: EP0777142 A

2. The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).

- 2.1 D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document) an optical sight (16) for a firearm comprising an objective lens placed in a mechanical assembly comprising an interface for mounting on said firearm; said firearm comprises an aiming camera (24) of which the optical axis is parallel to that of the barrel of the firearm; said optical sight (16) comprises at least:
- a first optical channel (18, 20, 22, 32) providing a first collimated image;
 - a second optical channel (18) providing a second image, also collimated, the optical axis thereof being parallel to the optical

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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axis of the first optical channel;

said channels are arranged in such a way that, when the optical sight (16) is mounted on the firearm by means of its mounting interface, the first image is sent towards the objective lens of the camera (24) and the second image is sent towards the eye of the infantryman (14) bearing the firearm (column 2, line 64 to column 3, line 27; figure 1).

- 2.2 Consequently, the subject matter of independent claim 1 differs from this known optical sight in that the sight according to the invention also comprises an image intensifier in the same mechanical assembly, such that the objective lens forms the image of the outside landscape on the input window of the image intensifier and the image intensifier provides an intensified image used in both optical channels.
- 2.3 The problem that the present invention is intended to solve can be considered to be that of enabling the infantryman to have the same safety by day and by night.
- 2.4 D2 describes an adapter for extracting a portion of an image from an optical system, such as night vision goggles, according to the same principle as the invention. Such night vision goggles therefore also comprise an image intensifier (12) (column 6, line 8).
- 2.5 Furthermore, the location of the image intensifier

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/051438

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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in the optical chain is merely one of several obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.

2.6 The solution proposed in independent claim 1 of the present application is therefore not considered inventive (PCT Article 33(3)).

3. Dependent claims 2 to 6 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of inventive step, for the following reasons:

3.1 The features of dependent claims 2 and 3 are rendered obvious by the combination of disclosures of D1 and D2.

3.2 The features of dependent claims 4 to 6 are merely some of several obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.

4. It appears that the combination of features of dependent claim 7 is not found in the prior art and cannot be derived in an obvious manner therefrom.